

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 18, 2005- -7:30 P.M.

Acting Mayor Gilmore convened the Regular Meeting at 7:45 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

[Note: Mayor Johnson was present via teleconference from The Capital Hilton, 16th and K Street NW, Washington DC only for the Resolution Opposing the Proposed Casino paragraph no. 05-037].

Absent: None.

AGENDA CHANGES

(05-027) Councilmember Matarrese moved that the Public Hearing to consider an Appeal of J. Barni [paragraph no. 05-034]; the Public Hearing to consider amendment to Zoning Map [paragraph no. 05-035]; and the Public Hearing to consider an Appeal of Rita Mohlen [paragraph no. 05-036] be moved to the Consent Calendar.

Councilmember Daysog seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, deHaan, Matarrese and Acting Mayor Gilmore - 4. [Absent: Mayor Johnson - 1.]

(05-028) Councilmember deHaan moved that discussion regarding options for relocation assistance legislation [paragraph no. 05-040] be heard first on the Regular Agenda.

Councilmember Daysog seconded the motion, which FAILED by the following voice vote: Ayes: Councilmembers Daysog and deHaan -2. Noes: Councilmember Matarrese and Acting Mayor Gilmore - 2. [Absent: Mayor Johnson - 1.]

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-029) Proclamation declaring January as Blood Donor Month in the City of Alameda.

Acting Mayor Gilmore read and presented the proclamation to Beth Wren, Donor Recruitment Account Manager.

Ms. Wren thanked the Council for their support of the Red Cross and announced that there will be a blood drive on Friday in San Leandro at the Creekside Community Church.

Michael John Torrey, Alameda, commented on the importance of donating blood.

(05-030) Presentation by Peter Simon, Dean, College of Alameda and Liz Sullivan, Organizer with Oakland Community Organizations regarding the proposed Oakland Aviation High School at the Oakland Airport. **Withdrawn by presenters.**

(05-031) Presentation of letters of appreciation to members of the Alameda Police Department by NC1 Danielle Carter, Recruiter, Naval Reserve Recruiting Area Pacific.

NC1 Randy Montrose, Recruiter in Charge, Naval Reserve Recruiting Area Pacific, presented letters of appreciation to members of the Alameda Police Department; Sergeant Jill Ottaviano, Alameda Police Department, accepted the letters of appreciation on behalf of the Alameda Police Department.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar, including continuing the Public Hearing to consider an Appeal of J. Barni to February 1; continuing the Public Hearing to consider Amendment to Zoning Map to February 1; and noticing the Public Hearing to consider an Appeal of Rita Mohlen for a later date.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-032) Minutes of the Special Joint City Council and Community Improvement Commission (CIC) Meeting of December 21, 2004; the Special and Regular City Council Meetings held on January 4, 2005; and the Special Joint City Council, CIC and Alameda Reuse and Redevelopment Authority Meeting of January 5, 2005. Approved.

(*05-033) Ratified bills in the amount of \$3,049,755.31.

(05-034) Public Hearing to consider an Appeal of the Planning Board's approval of Design Review, DR04-0101, to allow a 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square feet of commercial buildings, with a parking lot expansion to 23 spaces; **and adoption of related resolution.** The property is located at 1410 Everett Street in the C-C Community Commercial and R-5 Hotel Residential Zoning Districts. Appellant: J. Barni. **Continued to February 1, 2005.**

(*05-035) Public Hearing to consider Amendment to Zoning Map to rezone approximately 7,800 square feet (1/5 acre) at 1410 Everett Street, APN 070-170-15, from R-5 Hotel Residential to C-C Community Commercial; and

(*05-035A) Introduction of Ordinance Amending the Zoning Map to Designate APN 070-170-15, Approximately One-Fifth Acre, from R-5 Hotel Residential to C-C Community Commercial, on Central Avenue at Everett Street. **Continued to February 1, 2005.**

(*05-036) Public Hearing to consider an Appeal of the Planning Board's denial of Variances, V04-0006, 0007, 0008 and 0010, and denial of Major Design Review, DR04-0026, for all development projects at 3017 Marina Drive; **and adoption of related resolution.** The site is located within an R-1, Single-Family Residential Zoning District. The development project includes expansion of the residence into the estuary and installation of rear yard decks. Approval is being sought for the following: 1) Variance to AMC Subsection 30-4.1(d)(3) (Maximum Main Building Coverage exceeding 48%); 2) Variance to AMC Subsection 30-4.1(d)(7) and Section 30-2 (Rear Yard) because the building extends across the rear property line into the estuary; 3) Variance to AMC Subsection 30-5.7(a) (Roof Eaves) and 30-5.7(d) (Bay Windows) because the roof eaves above the bay windows encroach to within 3 feet from the side property line and bay windows are not permitted to encroach into side yards; 4) Variance to AMC Subsection 30-5.7(c)(1) (Rear Yard), Subsection 30-2 (Definitions) (Yard-Rear) and Subsection 30-4.1(d)(7) (Rear Yard) because decks over 36-inches in height extend into the required side and rear yard setbacks; 5) Variance to AMC Subsection 30-5.14(c) (Barrier Heights) because the windscreens around the patios exceed the maximum permitted 8-foot height. The Planning Board found that the Variance for the bay window encroachment be withdrawn because encroachment is in compliance, subject to Design Review approval. Applicant/Appellant: Rita Mohlen. **To be noticed for a later date.**

REGULAR AGENDA ITEMS

(05-037) Resolution No. 13811, "Opposing the Proposed Lower Lake Rancheria-Koi Nation Casino in the City of Oakland." Adopted.

Michael John Torrey, Alameda, stated that it is important to make sure that the Rancheria-Koi Nation does not get the land trust.

Melody Marr, Alameda Chamber of Commerce, stated that the Chamber supports the Resolution; submitted a packet of information from the

Chamber's Town Hall Meeting.

Mayor Johnson stated that the Council needs to send a strong message in support of the Resolution opposing the Rancheria-Koi Nation proposed casino; Alameda's vote, along with the City of San Leandro, Alameda County, and the City of Oakland, will send a strong message to the Bureau of Indian Affairs; stated she had the opportunity to speak with Congressman Stark and that he will support Alameda in their efforts.

Councilmember Matarrese stated that the casino proposal is not good for Alameda, the adjoining wildlife refuge, the City of Oakland and is a false economy; that he would oppose any casino by any tribe in any urban area; he hopes that there is unanimous support of the Resolution.

Councilmember Matarrese moved adoption of the Resolution.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember Daysog stated that he joins his colleagues in opposing the casino; Council should consider joining the City of Oakland in pursuing legal issues.

Mayor Johnson stated that she has spoken to the Interim City Manager and meetings have already taken place; Alameda is working with San Leandro to jointly respond to the environmental documents; staff is working with the City of Oakland; Alameda County should be included in pooling resources to save money in the battle opposing the casino.

Councilmember Daysog stated that there should be an amendment to the Resolution which would include directing the City Attorney to work with colleagues in the surrounding jurisdictions to actively oppose the proposed casino.

Mayor Johnson stated that the Resolution should be very strong, clear and precise regarding Alameda's position on the casino; that she would prefer to give separate direction to staff to work with the surrounding communities and Alameda County.

Acting Mayor Gilmore inquired whether Councilmember Daysog was amicable to giving staff direction, to which Councilmember Daysog responded in the affirmative.

Councilmember deHaan stated that he commends the Council in taking the lead; the matter will be an uphill push involving federal regulations.

Councilmember Daysog stated that he opposes the proposed casino for a number of reasons, including crime and the urban planning impacts on Alameda and other cities; the proposed casino is only one of a wave of casinos to come which are inappropriate for the area.

Councilmember deHaan stated that the Oakland City Council wanted to ensure that Alameda has no desire to have a casino.

On the call for the question, the motion carried by unanimous voice vote - 5.

(05-038) Public Hearing on Housing and Community Development needs for Community Development Block Grant Annual and Five-Year Plans.

The Community Development Manager gave a brief presentation on the housing and community development needs.

Councilmember Daysog requested an Off Agenda Report update on the Section 8 funding.

Jim Franz, American Red Cross, urged the Council to encourage the continuation of a balance of service provisions that provide a safety net in the community.

Hugh Cavanaugh, Alameda Food Bank, stated there has been a 50% growth in the past three years and that he expects the growth to continue over the next few years.

Steven Currie, Social Services Human Relations Board (SSHRB), read a letter from SSHRB encouraging the Council to continue the safety net services and programs that empower and support residents' efforts toward self-sufficiency.

Councilmember Matarrese thanked the Social Services Human Relations Board for their work; stated that he looked forward to receiving the Board's recommendations.

(05-039) Report regarding Corrective and Preventive Plan in response to the Memorandum on Internal Control Structure.

Acting Mayor Gilmore stated that the matter was being discussed because Council requested staff to respond to questions resulting from the City's annual audit.

Councilmember Matarrese requested information on the amount of the fund balance deficit; inquired whether the list of items in the audit recommendation regarding the budget represents surplus or

deficit.

The Finance Director responded that she would provide the information to Council.

Councilmember Matarrese stated that he would like to have the requested information coordinated with the budget information provided in the first week of February.

Acting Mayor Gilmore stated that the City has become dependant on Information Technology services; system failure would result in countless hours of lost productivity; Council should carefully review the costs of addressing the issue and prioritize accordingly.

Councilmember Daysog stated that the Plan makes a lot of the internal mechanisms of the City transparent; requested information on the debt reserve compliance issues.

Councilmember deHaan inquired whether bonds are typically refinanced without the qualification process.

The Finance Director responded there would be a competitive bid process if a bond is straight forward and uncomplicated; complicated bonds would be negotiated; the underwriters would respond to the Request for Proposal (RFP) stating what could be done at what price; staff would then recommend a selection to the governing body.

Councilmember Daysog requested that the bond bidding process be placed on a future agenda for discussion; stated that it is important for Council to be involved in the bidding of bonds and in the decision not to bid.

Councilmember Matarrese stated that the City's retirement and health benefit costs have increased dramatically; the City's Public Employee Retirement System (PERS) contribution increased 615% from 2002 to 2004.

(05-040) Discussion regarding options for relocation assistance legislation and a temporary moratorium on all new construction, demolition and condominium conversion in the "West End Atlantic Corridor Area" (bounded by Webster Street, Main Street, Pacific Avenue and Ralph J. Appezzato Memorial Parkway).

The Interim City Manager provided a brief outline of the Harbor Island Apartment eviction process and staff's coordinating efforts to financially help the remaining tenants move.

Acting Mayor Gilmore stated that the Council would not be taking action tonight; public testimony would be taken and the matter would be continued to the February 1, 2005 City Council Meeting; the two meeting nights constitute one meeting; stated speakers can speak at tonight's meeting or on February 1, but not at both.

Proponents: Regina Tillman, Alameda; Steven Garner, Alameda; Frank Skiles, Alameda; Gretchen Lipow, Alameda; Ron Salsig, Alameda; Wendy Horikoshi, Alameda; Janet Gibson, Alameda Unified School District; Reginald James, Alameda; Eve Bach, Alameda; Carl Halpern, Alameda; Mary Green Parks, Alameda.

Opponents: Dominic Pasanisi, Alameda; Barbara Kerr, Alameda; Fern Wallace, Alameda; Bernie Fitzgerald, Alameda; Melinda Samuelson, Alameda; Steven Edrington, Alameda [submitted handout]; Carol Martino, Realty World Martino Associates; John Sullivan, San Leandro; Kathy Lautz, Apartment Owners Association; Thomas S. Cooke, Manager, Bonanza Apartments; Carmen Lasar, Alameda; and, Monica Getten, Alameda.

Councilmember Matarrese requested that the City Attorney provide an analysis of existing State law which might overlap with the proposed ordinance, particularly landlord and tenant relationships; stated that there is plenty of State law protecting individual tenants in contracts with landlords; he is concerned that there is not much protection for the community; there is significant impact on the community and the schools when owners choose to wipe out a large complex; the matter is not about rent control; he has never supported rent control, which has always been a failure; there has never been a complaint about rent being too high, only complaints that rent is too high for the services not being delivered.

Acting Mayor Gilmore requested information on how many properties have 40 units or more and the total number of units in the "West End Atlantic Corridor Area", and requested staff to provide information on how the ordinance would work in the absence of rent control.

(05-041) Ordinance No. 2934, "Amending the Alameda Municipal Code by Amending Subsection 3-28.9 (Payment In-Lieu of Taxes -PILOT); Adding a New Subsection 3-28.10 (Return on Investment in Enterprise Funds) of Section 3-28 (Payment of Taxes) of Chapter III (Finance and Taxation) and Adding a New Subsection 18-4.10 (Exemptions) of Section 18-4 (Sewer Service Charge) of Article I (Sewers) of Chapter XVIII (Sewer and Water)." Finally passed.

Councilmember Matarrese stated the Ordinance provides some hope to

close the gap in the budget shortfall; moved final passage of the Ordinance.

Councilmember Daysog seconded the motion.

Under discussion Councilmember Daysog, stated that he was concerned about the possibility of a charge on either cable or electric bills; it is important to be upfront with the public regarding the \$750,000 and the possibility of recouping the money through rate charges.

The Interim City Manager stated impacts would be determined through the Alameda Power and Telecom (AP&T) budget process; stated that there are always trade offs in the budget.

Councilmember Daysog stated that he supports the Ordinance, which is the more conservative approach given the different options presented.

Councilmember deHaan stated that there is a good likelihood that something would need to be massaged; AP&T should not go through a disproportionate adjustment.

On the call for the question, the motion carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

(05-042) Ordinance No. 2935, "Amending the Alameda Municipal Code by Adding a New Section 3-91 (City of Alameda Community Benefit Assessment Procedure Code) to Article VI (City of Alameda Improvement Procedure Code) of Chapter III (Finance and Taxation)." Finally passed.

Councilmember Matarrese moved final passage of the Ordinance.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Mayor Johnson - 1.]

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL COMMUNICATIONS

(05-043) Councilmember deHaan inquired whether the budget review process would take two months.

The Interim City Manager outlined the budget adoption process and stated the mid-year budget review addresses expenditures and

revenues through the end of December and should be addressed at the first or second meeting in February.

ADJOURNMENT

There being no further business, Acting Mayor Gilmore adjourned the Regular Meeting at 10:02 p.m.

Respectfully Submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 18, 2005- -6:30 P.M.

Acting Mayor Gilmore convened the Special Meeting at 6:33 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Matarrese,
and Acting Mayor Gilmore - 4.

Absent: Mayor Johnson - 1.

The Special Meeting was adjourned to Closed Session to consider:

(05-026) Conference with Labor Negotiators; Agency Negotiators:
Human Resources Director and Craig Jory; Employee Organizations:
Management and Confidential Employees Association and Police
Association Non-Sworn.

Following the Closed Session, the Special Meeting was reconvened
and Acting Mayor Gilmore announced that the Council gave directions
to labor negotiators.

Adjournment

There being no further business, Acting Mayor Gilmore adjourned the
Special Meeting at 7:15 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown
Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY - - - JANUARY 18, 2005 - - - 6:55 P.M.

Acting Chair Gilmore convened the Special Meeting at 7:15 p.m.

Roll Call - Present: Commissioners Daysog, deHaan, Matarrese,
and Acting Chair Gilmore - 4.

Absent: Chair Johnson - 1.

The Special Meeting was adjourned to Closed Session to consider:

(05-002) Conference with Legal Counsel - Anticipated Litigation;
Initiation of litigation pursuant to subdivision (c) of Section
54956.9; Number of cases: One.

Following the Closed Session, the Special Meeting was reconvened
and Acting Chair Gilmore announced that the Commission obtained
briefing from staff.

Adjournment

There being no further business, Acting Chair Gilmore adjourned the
Special Meeting at 7:32 p.m.

Respectfully submitted,

Lara Weisiger
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown
Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY - - - JANUARY 18, 2005 - - - 7:25 P.M.

Acting Chair Gilmore convened the Special Meeting at 7:42 p.m.
Commissioner Daysog led the Pledge of Allegiance.

ROLL CALL - Present: Commissioners Daysog, deHaan, Matarrese,
and Acting Chair Gilmore - 4.

Absent: Chair Johnson - 1.

MINUTES

(05-003) Minutes of the Special Community Improvement Commission (CIC) Meetings of December 7, 2004; the Special Joint City Council and CIC Meeting of December 21, 2004; and the Special Joint City Council, CIC and Alameda Reuse and Redevelopment Authority Meeting of January 5, 2005. Approved.

Commissioner Matarrese moved approval of the minutes.

Commissioner Daysog seconded the motion, which carried by unanimous voice vote - 4. [Absent: Chair Johnson - 1.] Note: Commissioner deHaan abstained from voting on the December 7 and 21, 2004 Minutes.

AGENDA ITEM

(05-004) Recommendation to approve a contract with Michael Stanton Architecture for design review services for the proposed Historic Alameda Theatre, Parking Structure and Cinema Multiplex Project in an amount not to exceed \$92,500.

Commissioner Matarrese stated the contract is one step closer to getting the theatre; moved approval of the staff recommendation.

Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Chair Johnson - 1.]

ADJOURNMENT

There being no further business, Acting Chair Gilmore adjourned the Special Meeting at 7:45 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

Agenda for meeting was posted in accordance with the Brown Act.

Special Meeting
Community Improvement Commission
January 18, 2005